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Attorney's Docket No.: 05652.P013XCD

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Mark W. Miles

Application No.: 10/082,397

Filed: February 25, 2002

For: Visible Spectrum Modulator Arrays

Assistant Commissioner for Patents
Box Office of Initial Patent Examination
Washington, D.C. 20231

**RESPONSE TO NOTICE OF OMITTED ITEM(S) IN A NON-PROVISIONAL
APPLICATION
(FILING DATE GRANTED)**

Sir:

In response to the Notice Of Omitted item(s) in a Non-Provisional (Filing Date Granted) mailed May 31, 2001, please find enclosed:

- (1) Missing Figure 23E as described in the specification.
- (2) a check in the amount of \$130.00 in payment of the surcharge of 37 C.F.R. § 1.16(e);
- (3) a copy of the Notice of Omitted Item(s) in a Non-Provisional Application;

If any additional fee is required, please charge Deposit Account No. 02-2666. A duplicate of this Response is enclosed for deposit account charging purposes.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: _____



Stephen De Klerk
Registration No. 46,503

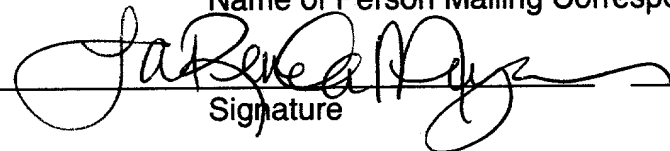
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FIRST CLASS CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231

on July 31, 2002
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/082,397	02/25/2002	Mark W. Miles	01568-008003

CONFIRMATION NO. 6992

DAVID L. FEIGENBAUM
Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804

FORMALITIES LETTER



OC000000008211801

Date Mailed: 05/31/2002

Adjustment date: 09/20/2002 MTEKLEHI
08/08/2002 MBELETE1 00000054 10082397
01 FC:105 -130.00 DP

NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

09/20/2002 MTEKLEHI 00000007 10082397

01 FC:105 A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Figure(s) 23E described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

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01 FC:105

-130.00 DP

*A copy of this notice **MUST** be returned with the reply.*

M. nand

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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Fig. 23e

